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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
09/761,780	01/18/2001	Ichiro Hashimoto	1614.1112	5963

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EXAMINER

JASMIN, LYNDIA C

ART UNIT	PAPER NUMBER
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3627

DATE MAILED: 04/21/2004

Please find below and/or attached an Office communication concerning this application or proceeding.

Office Action Summary	Application No. 09/761,780	Applicant(s) HASHIMOTO ET AL.	
	Examiner Lynda Jasmin	Art Unit 3627	

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If the period for reply specified above is less than thirty (30) days, a reply within the statutory minimum of thirty (30) days will be considered timely.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

- 1) ☒ Responsive to communication(s) filed on 26 January 2004.
- 2a) ☒ This action is FINAL. 2b) ☐ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

- 4) ☒ Claim(s) 1-3,5-7,9 and 13-18 is/are pending in the application.
- 4a) Of the above claim(s) _____ is/are withdrawn from consideration.
- 5) ☐ Claim(s) _____ is/are allowed.
- 6) ☒ Claim(s) 1-3,5-7,9 and 13-18 is/are rejected.
- 7) ☐ Claim(s) _____ is/are objected to.
- 8) ☐ Claim(s) _____ are subject to restriction and/or election requirement.

Application Papers

- 9) ☒ The specification is objected to by the Examiner.
- 10) ☐ The drawing(s) filed on _____ is/are: a) ☐ accepted or b) ☐ objected to by the Examiner.
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).
Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

Priority under 35 U.S.C. § 119

- 12) ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☐ All b) ☐ Some * c) ☐ None of:
1. ☐ Certified copies of the priority documents have been received.
 2. ☐ Certified copies of the priority documents have been received in Application No. _____.
 3. ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).
- * See the attached detailed Office action for a list of the certified copies not received.

Attachment(s)

- | | |
|--|---|
| 1) <input checked="" type="checkbox"/> Notice of References Cited (PTO-892) | 4) <input type="checkbox"/> Interview Summary (PTO-413)
Paper No(s)/Mail Date. _____ |
| 2) <input type="checkbox"/> Notice of Draftsperson's Patent Drawing Review (PTO-948) | 5) <input type="checkbox"/> Notice of Informal Patent Application (PTO-152) |
| 3) <input checked="" type="checkbox"/> Information Disclosure Statement(s) (PTO-1449 or PTO/SB/08)
Paper No(s)/Mail Date <u>2</u> . | 6) <input type="checkbox"/> Other: _____ |

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DETAILED ACTION

1. Amendment received on January 26, 2004 has been acknowledged. Claims 4 and 11 have been cancelled, and claims 13-18 have been added.

Claim Objections

2. Claim 15 is objected to because of the following informalities: in claim 15 the character "14" second occurrence should be deleted. Appropriate correction is required.

Claim Rejections - 35 USC § 102

3. The following is a quotation of the appropriate paragraphs of 35 U.S.C. 102 that form the basis for the rejections under this section made in this Office action:

A person shall be entitled to a patent unless –

(e) the invention was described in (1) an application for patent, published under section 122(b), by another filed in the United States before the invention by the applicant for patent or (2) a patent granted on an application for patent by another filed in the United States before the invention by the applicant for patent, except that an international application filed under the treaty defined in section 351(a) shall have the effects for purposes of this subsection of an application filed in the United States only if the international application designated the United States and was published under Article 21(2) of such treaty in the English language.

4. Claims 1, 2, 5, 6, 9-16 and 18 are rejected under 35 U.S.C. 102(e) as being anticipated by Wolfe et al. (6,282,517).

Wolfe et al. discloses a network-based server device embodied in a computer-readable recording medium containing a program for managing product inventory information (vehicle inventory) on an individual-store basis (for each participating dealers), including a receiving unit (via buyer access module 602) receiving requests for

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product information from a customer via a respective client device (116, 118), a processing unit (via process purchase request module 604) identifying inventory information of near stores (through the data center system) having an address near an address designated by the customer (based on geographic zip code), determined by comparing a postal code whose first predetermined number of digits are the same as corresponding, first predetermined number of digits of a postal code of the address designated by the customer, and transmitting, to the client device in response to the request for product information, the identified product inventory information on an individual-store basis corresponding to the respective near stores selected on the basis of customer identification information received from the respective client device (col. 4, lines 57-67; col. 7, lines 46-65).

Wolfe et al. further discloses accessing information (via accessing a dealer record in the data center storage medium 106) for accessing individual stores. Further the processing unit sorts the transmitted product inventory information by store in order of proximity to the address designated by the customer (based on the buyer information a list of purchase request is sorted according to dealer identification number). Wolfe et al. further discloses the processing unit adds identifying marks to the transmitted product inventory information so as to identify stores nearest the address designated by the customer (col. 16, lines 11-19).

Wolfe et al further the processing unit determines that a store having a postal code whose remaining predetermined number of digits differ least from the remaining predetermined number of digits of the postal code of the address designated by the

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customer is nearest to the address designated by the customer among the plurality of stores (since both the buyer's and the dealer's search radius must overlap before a potential vehicle match is considered).

Wolfe et al. also discloses the processing unit (604) sends a signal to the client device requiring the customer to provide identification information (such as buyer location information) to the receiving unit prior to transmitting product inventory information to the client device, and interfaces with a plurality of databases (via exclusive database region for each participating dealer; via one or more data center storage mediums 106) to obtain the product inventory information corresponding to individual stores based on the received identification information.

Claim Rejections - 35 USC § 103

5. The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.

6. This application currently names joint inventors. In considering patentability of the claims under 35 U.S.C. 103(a), the examiner presumes that the subject matter of the various claims was commonly owned at the time any inventions covered therein were made absent any evidence to the contrary. Applicant is advised of the obligation under 37 CFR 1.56 to point out the inventor and invention dates of each claim that was not commonly owned at the time a later invention was made in order for the examiner to

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consider the applicability of 35 U.S.C. 103(c) and potential 35 U.S.C. 102(e), (f) or (g) prior art under 35 U.S.C. 103(a).

7. Claims 3, 7 and 17 are rejected under 35 U.S.C. 103(a) as being unpatentable over Wolfe et al.

Wolfe et al. discloses all the limitations of the claims except for explicitly discloses the hours of operation information for individual stores and a screen that allows the customer to place a hold on an item. However, it is common in the art that stores information be provided to online buyers, which include store location, days and hours of operation and provide the buyer with a shopping cart option to hold item of interest. It would have been obvious to one of ordinary skill in the art at the time the invention was made to have provided the dealer information (304) of Wolfe et al. with store hours of operation in order to facilitate buyer who would prefer to perform their transaction at a local store, and to provide the plan to buy feature disclose by Wolfe et al. with a screen to hold on an item since such is commonly used in online transaction via holding merchandise in a virtual shopping cart and the Examiner takes Official Notice as such.

Response to Arguments

8. Applicant's arguments with respect to claims 1-3, 5-7 and 9 have been considered but are moot in view of the new ground(s) of rejection.

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Conclusion

9. The prior art made of record and not relied upon is considered pertinent to applicant's disclosure. Giovannoli discloses a processing unit that filters vendors in terms of geographical location.

10. Applicant's amendment necessitated the new ground(s) of rejection presented in this Office action. Accordingly, **THIS ACTION IS MADE FINAL**. See MPEP § 706.07(a). Applicant is reminded of the extension of time policy as set forth in 37 CFR 1.136(a).

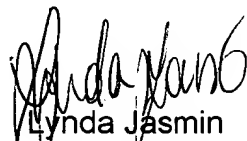
A shortened statutory period for reply to this final action is set to expire **THREE MONTHS** from the mailing date of this action. In the event a first reply is filed within **TWO MONTHS** of the mailing date of this final action and the advisory action is not mailed until after the end of the **THREE-MONTH** shortened statutory period, then the shortened statutory period will expire on the date the advisory action is mailed, and any extension fee pursuant to 37 CFR 1.136(a) will be calculated from the mailing date of the advisory action. In no event, however, will the statutory period for reply expire later than **SIX MONTHS** from the date of this final action.

11. Any inquiry concerning this communication or earlier communications from the examiner should be directed to Lynda Jasmin whose telephone number is (703) 305-0465. The examiner can normally be reached on Monday- Friday (8:00-5:30) alternate Fridays off.

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If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Robert P Olszewski can be reached on (703) 308-5183. The fax phone number for the organization where this application or proceeding is assigned is 703-872-9306.

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free).


Lynda Jasmin
Primary Examiner
Art Unit 3627

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